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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOMPO JAPAN INSURANCE COMPANY :
OF AMERICA and SOMPO JAPAN :
INSURANCE, INC., :

Plaintiffs, :

- against - :

NORFOLK SOUTHERN RAILWAY COMPANY, :
NORFOLK SOUTHERN CORPORATION, and :
THE KANSAS CITY RAILWAY COMPANY, :

Defendants. :


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CHIN, D.J.

On November 21, 2007, the Court held oral argument in this case. After oral argument, the parties submitted letters that address two questions asked by the Court at oral argument: (1) what constitutes a "10709 contract" and (2) whether a recent decision by Judge Batts in the matter Sompo Japan Insurance Company v. Union Pacific Railroad Company, No. 02 Civ. 9523 (DAB), provides authority for the Court's decision on related issues in this case. Defendants requested the opportunity to more fully brief these issues. The Court will accept any and all final letter submissions on these two issues until January 24, 2008.

SO ORDERED.

Dated: New York, New York
January 15, 2007


DENNY CHIN

United States District Judge

ORDER

07 Civ. 2735 (DC)